

**Minutes of the
Virginia Soil and Water Conservation Board**

**Tuesday, January 14, 2003
Natural Resources Conservation Service
Richmond, VA**

Virginia Soil and Water Conservation Board Members Present

David L. Moyer, Chairman

Linda S. Campbell

Granville M. Maitland

I. Willis Miller (for M. Denise Doetzer)

A. Dewey Bond

W.P. Johnson

Joseph H. Maroon

Virginia Soil and Water Conservation Board Members Not Present

Dr. David Barrett

Dr. Kriton Hatzios

Jean R. Packard

J. Carlton Courter, III

Dr. Lorenza Lyons

Staff Present

Leon E. App, DCR

Michael R. Fletcher, DCR

Larry Gavan, DCR

Stuart Wilson, DCR

William G. Browning, DCR

Jack E. Frye, DCR

Jonathan T. Phillippe, DCR

Others Present

James G. Byrne, VASWCD

Nathaniel Elliott, Prince George County Board of Supervisors

W.D. Kreider, James River SWCD

T. Michael Likens, Chesterfield County

Stephanie L. Martin, VASWCD

Linda McAllister, James River SWCD

Legislative Update

Mr. Maroon gave an update regarding the 2003 General Assembly Session. He distributed copies of the proposed budget pages that relate to the Department of Conservation and Recreation (DCR) and the Chesapeake Bay Local Assistance Department (CBLAD).

DCR again is facing significant budget reductions. The department has faced the largest percentage reduction in the Natural Resources Secretariat.

Soil and Water Conservation Districts face significant budget reductions as part of the DCR budget. In addition, funding for soil survey mapping and tributary strategies was eliminated. The TMDL program will rely solely on federal funds.

DCR lost a total of 20 positions and 65 part-time positions. Currently this has resulted in four state parks now operating on a reduced hour and weekday schedule.

Mr. Maroon also mentioned House Bill 1875, which relates to the membership of the Soil and Water Conservation Board. The bill is an alternative to a proposal that was considered by a legislative committee this fall that would have merged this Board with another one. DCR opposed that proposal, however, the agency is supporting HB 1875. This proposal will eliminate 4 ex-officio positions from the Soil and Water Conservation Board and add an additional two at-large members.

Mr. Moyer noted that the 7/10 of one percent funding for Natural Resource agencies in the Commonwealth is very low. Mr. Maroon said that funding for natural resources is at a 15-year low.

Local Urban Programs Update

Mr. Gavan gave a review of the Local Urban Programs.

He reviewed with members the Alternative Inspection Guidelines approved by the Board in September 1998.

Current localities with alternative inspection programs approved by the Board are: Fairfax County, Gloucester County, New Kent County, Loudoun County, Rockingham County, Frederick County, Wythe County and Scott County.

Mr. Bond said that he recalled a proposal from Fauquier County.

Mr. Frye noted that the Fauquier proposal had been returned to the county for additional work and had not as yet been resubmitted.

Mr. Gavan presented an overview of the proposed alternative inspection programs for Fluvanna County and Grayson County. These proposals were previously submitted for Board review.

MOTION: Mr. Bond moved that the Virginia Soil and Water Conservation Board approve the proposed Alternative Inspection Plans for Fluvanna County and Grayson County.

SECOND: Mr. Maitland.

DISCUSSION: None

VOTE: Motion carried unanimously.

Minutes of December 11, 2002 Meeting

MOTION: Mr. Johnson moved that the minutes of the December 11, 2002 Soil and Water Conservation Board be approved as submitted.

SECOND: Ms. Campbell.

DISCUSSION: Ms. Campbell noted that the motion regarding the Culpeper District Director needed to reflect a second and the vote.

VOTE: Motion carried. Minutes were approved as amended.

Chesterfield County Petition to Create a New Soil and Water Conservation District

Mr. Moyer noted that the Board had received responses from both Chesterfield and Prince George Counties regarding the funding and support of the proposed district realignment. (Copies attached).

Mr. Maroon noted that Chesterfield Administrator Lane Ramsey had asked for legal justification for the Board's request for financial information. Mr. Maroon explained that this was not a legal requirement, but an opportunity for the county to provide additional information that might assist the Board in determining the need and feasibility of a new district.

Mr. Moyer asked for public comment from the county representatives.

Mr. W.D. Kreider, chair of the James River Soil and Water Conservation District requested that a previous letter from the District be recorded in the minutes of the meeting.

Mr. Moyer noted that a copy of the letter had been provided to members, but asked Mr. Browning to read the relevant section of the letter for the purpose of this meeting.

Mr. Browning read from the letter as follows:

In recognition of county population and land use differences, the James River Soil and Water Conservation District supports Chesterfield County's request of the Virginia Soil and Water Conservation Board to withdraw from the James River Soil and Water Conservation District, as long as the potential reduction in allocating core funding is shared equally among all soil and water conservation districts.

Mr. Moyer noted that the letter from the Prince George County Board of Supervisors addressed the same subject. Prince George County supports the request but notes:

Additionally, Prince George would not support a realignment scenario in which the current level of funding available to the James River SWCD would be split between the two “new” Soil and Water Conservation Districts. It is our belief that this scenario would unduly penalize Prince George’s citizens for a realignment not requested by our County. It is our understanding that in the past, funding for new districts has been accomplished by a reallocation of the total funds available state-wide among all districts. Using this approach is fairer, as the cost of the newly created district is absorbed by all districts throughout the state, and Prince George could more easily absorb the resulting level of funding reduction.

Mr. Moyer asked if Mr. Nathaniel Elliott, Chairman of the Prince George County Board of Supervisors of Prince George would like to add additional comments. Mr. Elliott noted that he believed the position of Prince George County to be clear.

Mr. Michael Likens, representing Chesterfield County said that the County felt that the need for the new district had been proven.

After considerable discussion by the board, Mr. Browning gave an overview of the decision process. He said that following the receipt of the Chesterfield County petition in October 2001, the Board needed to determine whether there is a need or whether there is no need for the proposed Chesterfield Soil and Water Conservation District to function in the territory comprised of Chesterfield County.

He noted that the Board had followed the procedure appropriately. The Office of the Attorney General had ruled that the petition was valid. The Board took action to establish hearings and gather information as appropriate for the determination of need.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board determine after due consideration of the relevant facts that there is no need for a new Chesterfield Soil and Water Conservation District to function in the territory comprised of Chesterfield County and that the petition submitted by the Chesterfield County Board of Supervisors be denied.

SECOND: Ms. Campbell.

DISCUSSION: Mr. Maitland stated that he viewed this as a no-win situation.

Mr. Moyer said that while he understood the concerns of Chesterfield County, in view of the current funding situation and the feedback from other Soil and Water Conservation Districts, that he did not believe the creation of a new district at this time

would be prudent. It was noted that the County could come back to the Board in six months with a similar petition.

Ms. Campbell said that it was important for the County to know that the Board recognizes the petition was from a desire to do good things. However, the Board also recognizes that, while intentions are good, the creation of a new district is not currently practical.

VOTE: Motion carried with Mr. Maroon abstaining.

NOTE: Mr. Maroon left at this point to attend to business with the General Assembly. He designated Mr. App as his proxy for the remainder of the meeting.

Lake Martin Update

Mr. Stuart Wilson gave an update regarding Lake Martin.

This issue began in 1997 with the development of the Airston project. The matter was first brought to the attention of the Board in December 1999.

At this time Fairfax County has reached a settlement with the three smaller developers. A court date for the action against Airston is now set for August, 2003.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board receive the update of activities from DCR staff outlining the status of the County's lawsuit against the major developer, and that the Board request the County to continue its efforts to expedite resolution to facilitate remediation of the Lake Martin watershed. And further, the Board requests the DCR staff to continue communication with EPA relative to EPA's administrative order and to re-affirm to EPA the Board's interests in an expedited resolution of this matter.

Further, the Board directs Fairfax County to continue to provide updates to the Board relative to the resolution of the lawsuit and proposed plans and schedule for commencement of the restoration actions and in restoration. The County should insure that affected homeowners are provided input into the process of determining final restoration plans. These updates shall continue until restoration actions have been completed.

SECOND: Mr. Bond.

DISCUSSION: None.

VOTE: Motion carried unanimously.

District Director Resignations and Appointments

Mr. Browning presented the following lists of Soil and Water Conservation District Director resignations and appointments.

Culpeper

Recommendation of Monira Rifaat, Rappahannock County, to fill unexpired elected term of Tom Costello (term of office to begin on or before 2/13/03 – 1/1/04).

Loudoun

Resignation of Kenneth H. Lowery, Loudoun County, effective 3/15/03, appointed director position (term of office expires 1/1/04).

Recommendation of James B. Christian, Loudoun County, to fill unexpired appointed term of Kenneth H. Lowery (term of office to begin on 3/15/03 or before 4/14/03 – 1/1/07).

Mr. Moyer asked if any response had been received from the action concerning Mr. Costello.

Mr. Browning indicated that letters were sent via registered mail, but no response had been received.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the resignation and appointment actions as documented and presented by DCR staff and directs staff to communicate the Board actions to the affected SWCDs.

SECOND: Mr. Bond

DISCUSSION: None

VOTE: Motion carried unanimously.

Dam Safety Certificates and Permits

Mr. Jon Phillippe presented the following list of Dam Safety Certificates and Permits:

INV. NO	NAME	CITY/COUNTY
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Dam Safety Alteration Permit

None

Dam Safety Operation & Maintenance Certificates**Class I Regular**

07309	Beaverdam Reservoir Dam	GLOUCESTER
18505	Upper Clinch Valley Dam	TAZEWELL

Class I Conditional

01904	Stoney Creek Reservoir Dam	BEDFORD
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Class II Regular

06118	Coventry Dam	FAUQUIER
06250	Bremo Power Station Dam	FLUVANNA
09506	Little Creek Dam	JAMES CITY

Class II Conditional

None

Class III Regular

01102	East Fork Falling River #7 (Gala Lake)	APPOMATTOX
01103	East Fork Falling River #15 (Caldwell Lk.)	APPOMATTOX
01104	East Fork Falling River #21	APPOMATTOX
03101	Little Falling River Dam #1	CAMPBELL
03103	Little Falling River Dam #2	CAMPBELL
03104	Little Falling River Dam #3	CAMPBELL
06909	Meadow Lake Dam*	FREDERICK
14704	Prince Edward Dam (Twin Lakes #1)	PRINCE EDWARD

Class III Conditional

None

Extension to March 2003 Board Meeting

06113 (3R)	Barr Dam	FAUQUIER
17102 (1R)	Stoney Creek Dam #10	SHENANDOAH

Out of Compliance

07915	Greene Mountain Lake (Class 2 Cond.)**	GREENE
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* 7/01/02 Revised Impoundment Definition Dams

** Board Directed Letter Under Review by Attorney General's Office

Mr. Phillippe noted that #14704, Prince Edward Dam is located at Twin Lakes State Park and is owned by the Commonwealth.

MOTION: Mr. App moved that the list of Dam Safety Certificates and Permits be approved as submitted with the exception of #14704 Prince Edward Dam.

SECOND: Ms. Campbell.

DISCUSSION: None.

VOTE: Motion carried unanimously.

MOTION: Ms. Campbell moved that #14704 Prince Edward Dam be approved for a Class III Regular certificate as submitted.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried with Mr. App abstaining.

Agency Reports

Natural Resources Conservation Service

Mr. Willis Miller gave the following report:

FARM BILL PROGRAM UPDATE*

➤ **Technical Service Providers (TSP)**

- **TSP National Activity** – The TSP interim final rule was released for public comment which is open until January 20, 2003. The effective date for TSP implementation will be March 1, 2003.
- **TSP State Technical Committee Activity** – A NRCS subcommittee has been established to address issues dealing with the TSP provisions. The first meeting of this group will be on January 15, 2003.

➤ **Environmental Quality Incentives Program (EQIP) and Conservation Security Program (CSP)**

- **National Committee Activity** – Draft rules have been prepared and have cleared USDA and NRCS review and are currently being reviewed by the Office of Management and Budget. Upon final clearance, they will be published in the “Federal Register.”
- **EQIP/WHIP State Technical Committee Activity** – Local working groups were convened in late summer/early fall to provide input on EQIP and Wildlife Habitat Incentive Program (WHIP) program changes.

An EQIP subcommittee has met to draft program changes for the 2003 program. The subcommittee will report its recommendations to the State Technical Committee on January 28, 2003.

The WHIP subcommittee will meet on January 15, 2003 to review actions of several small workgroups dealing with WHIP program issues. A report to the State Technical Committee is planned for a later date.

- **Farm and Ranchland Protection Program Rule, National Activity** (Formerly Farmland Protection Program), the rule was released for public comment and closed on December 20, 2002.

**Implementation of all Farm Bill Programs is still dependent on the passage of the federal budget and apportionment of final amounts to the states.*

ENGINEERING ACTIVITIES

- **Dam Rehabilitation** – A survey field crew that began work at Marrowbone on Monday, January 6, 2003 is collecting field data for the hydrologic and hydraulic analysis for the breach routing (Flooding from sudden breaching of the dam).
- **EWP Sites** – Work is beginning on several EWP sites. A site showing is scheduled for January 16, 2003 for work to be done in Dante, VA.
- **Buena Vista Watershed Project** – In early December, the US Senate approved the proposed \$7 million watershed project for Buena Vista that could drastically reduce or eliminate flooding in the city from mountain streams to the east and south of the city. The House of Representatives took similar action almost a year ago, but Senate action had been held up because of work on a farm appropriation bill.
- **Engineering Field Office Support**

Drafts of engineering policy have been developed. The policy items will help standardize engineering operations and detail the procedures that will be used when dealing with consultants.

The engineering job approval chart has been revised and updated to help the field become more efficient in providing engineering service. The chart has been sent to NRCS national headquarters for approval.

➤ **SOIL SURVEY AND NATIONAL RESOURCE INVENTORY ACTIVITIES**

Soil database maintenance and development has been and will continue to be a high priority in Virginia for the foreseeable future. About 85% of Virginia's county soil data sets have been validated and prepared for use in the Electronic Field Office Technical Guide (e-FOTG), Revised Universal Soil Loss Equation (RUSLE2), Customer Service Toolkit, and Soil Survey Geographic Database (SSURGO2).

SSURGO digitization and new certification was completed on 4 counties. Twenty-three counties were re-archived in the SSURGO2 format.

70% of the 2002 Natural Resource Inventory (NRI) is complete and scheduled for completion as planned at the end of February 2003.

On-going soil survey work continues for 9 project offices.

PERSONNEL CHANGES

➤ **Personnel Actions Effected from October through December, 2002**

- Garland Robertson has been appointed as Soil Scientist on the Fairfax Soil Survey Project
- Al Breeding, Soil Conservation Technician has been reassigned to Abingdon
- Ruthie Davis, Soil Conservationist has been reassigned to Goochland
- Gilbert Guerrero has been appointed as District Conservationist in Fairfax
- Tom Smith has been reassigned as District Conservationist in Tazewell
- Tara Anderson has been appointed as Conservation Engineer to the Technical and Administrative Support Team (TAST) in Harrisonburg
- Phillip Rippe' has been appointed as Conservation Engineer to the Technical and Administrative Support Team (TAST) in Farmville
- Keith Boyd has been reassigned as RC&D Coordinator in the South Centre' Corridors RC&D office in Prince George
- Teresa Duncan has been appointed as State Human Resources Manager in the Richmond State Office
- Wade Biddix has been reassigned as Watershed Planning Coordinator Team Leader in the Richmond State Office

Virginia Department of Forestry

Not represented.

Virginia Cooperative Extension Service

Not represented.

Virginia Department of Agriculture and Consumer Services

Not represented.

Virginia Department of Conservation and Recreation

Mr. Frye said that the Governor's Natural Resources Summit will be held on April 10-11, 2003. The Secretary of Natural Resources will pull together interested parties from across the state for this summit.

Mr. App noted that this was the last week for legislators to submit new legislation. He said that in addition to changes in the composition of the Soil and Water Conservation Board that it is being proposed that the nineteen Scenic River Advisory Boards be dissolved and replaced with a single entity.

Proposed legislation would also dissolve the Virginia State Parks Foundation and the Board on Conservation and Development of Public Beaches and include those responsibilities under the Board of Conservation and Recreation.

Public Comment

Mr. Jim Byrne, representing the Virginia Association of Soil and Water Conservation District Directors noted that the need for education regarding conservation issues has been discussed but that the board and department should be more explicit regarding that need.

Other Business

MOTION: Ms. Campbell moved that, based on the Board's deliberations pertaining to the most recent Soil and Water Conservation District (SWCD) petitions (e.g. Lake Country, Big Sandy, Chesterfield, etc.) for the establishment of new districts, that the Board establish an ad-hoc study group with representation from agencies and organizations familiar with districts be established to consider the longer term structure and configuration of SWCDs in Virginia as a basis for guiding Board decisions with future realignments and/or formations.

SECOND: Mr. Johnson

DISCUSSION: None

VOTE: Yes: App, Campbell, Johnson, Maitland, Moyer
No: Bond

Motion carried.

Mr. Moyer appointed Mr. Maitland to chair the study group and asked that he work closely with the Association.

Next Meeting

The next meeting will be held on Thursday, March 20, 2003 at 9:00 a.m. Staff will attempt to arrange meeting space at the Department of Forestry in Charlottesville.

Adjournment

There being no further business the meeting was adjourned.

Respectfully submitted.

David L. Moyer
Chairman

Joseph H. Maroon
Recording Secretary